

In the United States District Court
For the Middle District of North Carolina
Greensboro Division



United States of America
Plaintiff(s) / Respondent

v.

Brian David Hill
Defendant(s) / Petitioner

Criminal Action No.
1:13-cr-431-1

Civil Action No.
1:17-cv-01036

**DEFENDANT'S/PETITIONER'S MOTION AND BRIEF TO FILE UNDER
SEAL A DECLARATION TO PROTECT PRIVACY AND COMPLY WITH
THE REDACTION REQUIREMENTS**

On December 1, 2017, Defendant/Petitioner Brian David Hill ("Brian D. Hill" or "Defendant Hill"), had filed with the Clerk a "**FOURTH ADDITIONAL EVIDENCE DECLARATION IN SUPPORT OF DOCUMENT #128, #128-1, AND 128-2 "BRIEF / MEMORANDUM IN SUPPORT OF BRIAN DAVID HILL'S "MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY"" (DOCUMENT #125) (NON-SEALED VERSION)**", and a "**FOURTH ADDITIONAL EVIDENCE DECLARATION IN SUPPORT OF DOCUMENT #128, #128-1, AND 128-2 "BRIEF / MEMORANDUM IN SUPPORT OF BRIAN DAVID HILL'S "MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY"" (DOCUMENT #125) (SEALED VERSION)**".

Pertinent to the Local Rules of Practice and Procedure of the United States District Court for the Middle District of North Carolina, Rule 5.4, The Defendant/Petitioner Brian David Hill ("Brian D. Hill" or "Defendant Hill"), representing himself, and hereby respectfully move the Court for an order permitting Defendant Hill to file under seal the 2 Exhibits of "**FOURTH ADDITIONAL EVIDENCE DECLARATION IN SUPPORT OF DOCUMENT**

#128, #128-1, AND 128-2 “BRIEF / MEMORANDUM IN SUPPORT OF BRIAN DAVID HILL’S “MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY”” (DOCUMENT #125) (SEALED VERSION)” and/or the Declaration itself as both versions (SEALED, and NON-SEALED) of the Fourth Declaration essentially contain the same evidence Exhibits and basically contain the same information. The difference is that the non-sealed version contains redactions of personal home addresses and phone numbers of private citizens that are witnesses to Brian D. Hill, in compliance with the redaction requirement.

However with redactions, the Court will not have the most important piece of evidence, and that is the home addresses and phone numbers of all witnesses in the town of Mayodan, City of Reidsville, and other towns/cities within Rockingham County that have signed the Defendant Hill’s Nullify-NDAA Petition in earlier 2012 prior to the police raid. Some may have witnessed the police raid on August 28, 2012. Those witnesses know that Defendant Hill has/had never been around children, that he had never done anything illegal, and that the neighbors of Hill’s address at the time had signed the petition and knew that Defendant Hill is against secret torture and abduction of American citizens thus further showing the factual innocence of Defendant Hill.

Under the U.S. Privacy Act, home addresses and other personally identifiable and sensitive information in compliance with the Federal Rules must be redacted for the public record, however Defendant must also file a copy without redactions to be sealed and the redacted copy for the public record.

Defendant has filed both versions, one for the public record, and other requesting to be sealed to protect the privacy of all Nullify-NDAA Petition signers and potential witnesses pertinent to the Petition’s privacy policy, to protect people’s addresses and private phone numbers under the U.S. Privacy Act.

Home addresses cannot be on public record without redaction, but the home addresses and phone numbers are evidence that allow the Court and the Government to have the evidence and list of witnesses that will testify in the event that the Government objections to

Defendant Hill's innocence claim that may require an evidentiary hearing, once the Defendant/Petition is appointed a court appointed lawyer representing him for the matter of the 2255 motion. Defendant/Petitioner was betrayed by Counsel Eric David Placke that was refusing to have any witnesses to testify. Defendant Hill feels it is necessary to file a sealed non-redacted copy of his Nullify-NDAA Petition, to force his next court appointed lawyer to cross examine and notify the list of potential actual innocence witnesses. Placke lied to multiple federal Judges over any potential witnesses that could have caused the Judge or Jury to have found the Defendant not guilty of his charge. Defendant believes in good faith that it is necessary to file the Nullify-NDAA petition with a sealed version and non-sealed version to ensure that his next court appointed lawyer is effective Counsel, that the potential witnesses can be contacted, subpoenaed, and to testify if any of that is even necessary for an evidentiary hearing.

The Nullify-NDAA petition has good cause as to proving actual innocence, not just the character of Defendant Hill never being into children and has worked voluntarily without pay collecting Petition signatures against torture and abduction while child pornographers are in favor of children being abducted, molested, and tortured. This proves that Defendant Hill was politically involved prior to the child pornography allegations and the Mayodan Police raid on Defendant's former residence. It proves different factors of Hill's actual innocence. Hill does not trust (as much) Court appointed lawyers anymore, that is why he wants to file this sealed version with the non-redacted evidence information so that if the next Court Appointed lawyer refuses to present any witnesses again like Mr. Placke then that will be *prima facie* of ineffective Counsel (*Strickland v. Washington*) for his 2255 motion.

If the home addresses and phone numbers are not sealed for the SEALED version then it puts all potential witnesses at risk of being targeted, at risk of witness tampering and witness intimidation. According to the U.S. Privacy Act the home addresses and phone numbers must either be sealed or protected from public disclosure for the best interests of justice and for the best interests of the people that have privacy protections under Federal/State laws.

To prevent the documents with sensitive information such as home addresses, phone numbers, and even signatures of each Petition signer, from being made part of the public record, Defendant Hill respectfully request that the Court issue an ORDER permitting him to file under seal the exhibits containing the Nullify-NDAA petition without redactions and possibly even the Declaration of the SEALED version as well if it contains any sensitive, confidential, and/or personal information that cannot be made a matter of public record.

I recommend to the Habeas Court that “***FOURTH ADDITIONAL EVIDENCE DECLARATION IN SUPPORT OF DOCUMENT #128, #128-1, AND 128-2 “BRIEF / MEMORANDUM IN SUPPORT OF BRIAN DAVID HILL’S “MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY”***” (DOCUMEMT #125) (SEALED VERSION)” and/or the Exhibits in attachment to the SEALED version be sealed to protect the Privacy of those Petition signers and potential witnesses of Defendant Hill, in accordance with the U.S. Privacy Act. The Court needs to review the potential witnesses of that Nullify-NDAA Petition.

Signed on:

December 5, 2017

Respectfully submitted,

Brian D. Hill

Signed

Signed
Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, VA 24112

Phone #: (276) 790-3505

U.S.W.G.O.

This MOTION respectfully filed with the Court, this the 5th day of December, 2017.

Defendant also requests with the Court that a copy of this MOTION be served upon the Government as stated in 28 U.S.C. §1915(d), that “The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.

Plaintiff requests that copies be served with the U.S. Attorney office of Greensboro, NC and

AUSA Anand Prakash Ramaswamy via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!

Defendant hereby certifies that on December 5, 2017, service was made by mailing the original of the foregoing:

DEFENDANT'S/PETITIONER'S MOTION AND BRIEF TO FILE UNDER SEAL A DECLARATION TO PROTECT PRIVACY AND COMPLY WITH THE REDACTION REQUIREMENTS

by deposit in the United States Post Office, in an envelope, Postage prepaid under certified mail tracking no. 7014-2120-0000-5320-6731, on December 5, 2017 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Suite 1, Greensboro, NC 27401. Then pursuant to 28 U.S.C. §1915(d), Defendant requests that the Clerk of the Court shall have considered mailing the Government's COPY of 1x Audio CD, then electronically filed the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

**U.S. Attorney Office
101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401
Anand.Ramaswamy@usdoj.gov**

This is pursuant to Defendant's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases..." the Clerk shall serve process via CM/ECF to serve process with all parties.

Date of signing: <u>December 5, 2017</u>	Respectfully submitted, <u>Brian D. Hill</u> Signed Brian D. Hill (Pro Se)
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310 Forest Street, Apartment 2
Martinsville, VA 24112
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